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KING COUNTY  
SUPERIOR COURT CLERK  
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CASE #: 21-2-10483-1 SEA

IN THE SUPERIOR COURT OF THE STATE WASHINGTON  
IN AND FOR KING COUNTY

RODNEY S. THORNLEY,

Plaintiff,

v.

LAKE WASHINGTON SCHOOL DISTRICT NO.  
414, PAT FOWLER-FUNG, JOHN or JANE  
DOE, her spouse, in her individual and official  
capacity, and the marital community composed  
thereof, and ERIN BOWSER, and JANE OR JOHN  
DOE, her spouse, in her individual and official  
capacity, and the marital community composed  
thereof, WILLIAM ROSEN, in his individual and  
official capacity, JANE OR JOHN DOE ROSEN,  
and the marital community composed thereof, and  
JON HOMEN, in his individual and official  
capacity, and JOHN OR JANE DOE HOLMEN,  
and the marital community composed thereof,

Defendants.

NO.

COMPLAINT FOR  
DAMAGES  
AND OTHER RELIEF  
AND FOR VIOLATION  
OF THE PUBLIC RECORDS  
ACT

This action is brought by Rodney S. Thornley for claims based in state law for  
employment discrimination, retaliation, breach of contract, defamation, negligent

COMPLAINT FOR DAMAGES AND  
OTHER RELIEF - 1

LAW OFFICE  
PATRICIA S. ROSE  
1455 NW Leary Way, Suite 400  
Seattle, Washington 98107  
TEL 206-622-8964  
patty@pattyroselaw.com

1 infliction of emotional distress, and negligent supervision, as well as federal  
 2 constitutional claims, all arising from his employment with the Lake Washington  
 3 School District.

#### 4 **I. PARTIES**

5  
 6 1.1 Plaintiff Rodney S. Thornley (hereinafter “Plaintiff”) is a seventy year old  
 7 Black male and resident of King County, Washington and has been employed by  
 8 Defendant Lake Washington School District (hereinafter “LWSD” or “District” as a  
 9 certificated teacher and coach for over forty-three years, the vast majority of them at  
 10 Rose Hill Middle School. His position is represented by the Lake Washington  
 11 Education Association (hereinafter “LWEA”) for collective bargaining and grievance  
 12 adjustment.  
 13

14 1.2 Defendant Lake Washington School District No. 414 is a school district  
 15 organized under the laws of the State of Washington and is an employer within the  
 16 meaning of RCW 49.60.040 and RCW 49.44.090 and is a school district covered by  
 17 RCW 28A.642.040 and an agency with public records as defined by RCW 42.56.010 *et*  
 18 *seq.*  
 19

20 1.3 Defendant Fowler-Fung is an employee of Defendant District and at all times  
 21 relevant to this complaint was employed as Executive Director of Human Resources.  
 22 Ms. Fowler-Fung was authorized to act on behalf of Defendant District in the areas of  
 23  
 24

1 human resources and personnel management and was a state actor under 42 USC  
2 §1983. Upon information and belief, Defendant Fowler-Fung and Defendant Jane or  
3 John Doe [Fowler-Fung] comprise a martial community.

4 1.4 Defendant Bowser is an employee of Defendant District and at all times  
5 relevant to this complaint was authorized to act for it as Principal of Rose Hill Middle  
6 School. Upon information and belief, Defendants John or Jane Doe [Bowser] comprise  
7 a marital community with Defendant Bowser.  
8

9 1.5 Defendant William Rosen is an employee of Defendant District and at all  
10 times relevant to this complaint was authorized to act for it as Director of Human  
11 Resources. Upon information and belief, Defendant Jane or John Doe [Rosen] and  
12 Defendant William Rosen comprise a marital community.  
13

14 1.6 Defendant Jon Holmen is an employee of Defendant District and at all times  
15 relevant to this complaint was employed as its Deputy Superintendent or  
16 Superintendent and was authorized to act for it as its Chief Executive Officer and  
17 provide strategic vision, leadership, and direction to Defendant District and is a state  
18 actor and policymaker within the meaning of 42 USC §1983. Upon information and  
19 belief, Defendant Jane or John Doe [Holmen] and Defendant Jon Holmen comprise a  
20 marital community.  
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**II. JURISDICTION AND VENUE**

2.1 Plaintiff and Defendant Lake Washington School District either reside or do business in King County, Washington.

2.2 Upon information and belief, the individual defendants also reside in King County, Washington.

2.3 Plaintiff has satisfied all conditions precedent to initiating this lawsuit including any notice of claim under RCW 4.96.020.

2.4 The events described below that give rise to this complaint took place in King County, Washington.

2.5 Jurisdiction is founded on RCW 49.60.030, RCW 28A.642.040, and RCW 2.08.010; venue in this court is proper under RCW 4.12 *et seq.*

2.6 This Court also has jurisdiction under RCW 42.56.550 to review Defendant District's failure to promptly disclose, produce, and/or make available for inspection requested public records. Venue is proper under RCW 42.56.550

**III. FACTS GIVING RISE TO CLAIMS**

3.1 Plaintiff, a Black 70-year-old male, has been employed on a continuing basis as a certificated teacher for Defendant District since 1977.

1 3.2 Throughout his employment with Defendant District, Plaintiff has also been  
2 employed on supplemental contracts with Defendant District coaching varsity boys'  
3 basketball, girls' badminton, boys' and girls' track, and Regional C team girls'  
4 basketball. He was also student advisor to the Washington Teen Institute, an anti-drug-  
5 abuse group of students, and played a leadership role in the annual talent show at Rose  
6 Hill.  
7

8 3.3 During the course of his employment with Defendant District, Plaintiff has  
9 earned a positive reputation among his students, their parents, and his fellow teachers  
10 in the community served by Defendant LWSD. Many students and graduates continue  
11 to have ongoing social and mentoring relationships with him after his roles as teacher  
12 or coach ended.  
13

14 3.4 On or about October 25, 2018, Plaintiff coached a basketball game where the  
15 opposing team was coached by District employee Kerry McNaughton. At the game,  
16 Plaintiff approached Ms. McNaughton and, according to Ms. McNaughton, engaged in  
17 unwelcome conduct, including comments and physical touching.

18 3.5 On or about October 26, 2018, Ms. McNaughton submitted a written report  
19 regarding Plaintiff's conduct at the game on October 25, 2018.

20 3.6 In response to her report, on or about November 2, 2018, Defendant District  
21 conducted an investigative meeting with Plaintiff. In attendance were Defendant  
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1 Rosen; Jennifer Silves, LWEA (Lake Washington Education Association) UniServ  
2 Representative; and Defendant Bowser. At that meeting, Plaintiff acknowledged that he  
3 may have engaged in parodying a song lyric in the presence of Ms. McNaughton,  
4 which she disliked, but denied any unwelcome actions and/or conduct. To his  
5 knowledge he did not engage in any touching or physical contact with Ms.  
6 McNaughton or make any comments of a sexual nature.

7  
8 3.7 On November 9, 2018, Defendant Rosen prepared proposed discipline for the  
9 McNaughton incident in the form of a Level 2 Written Reprimand to Plaintiff that was  
10 received by Plaintiff on November 12, 2018.

11 3.8 On November 28, 2018, at an Equity Team meeting at Rose Hill that Plaintiff  
12 attended along with other teaching staff and administrative employees, Plaintiff gave a  
13 fellow teacher, Brittani Brown, a side hug

14  
15 3.9 On November 30, 2018, at the request of Defendant Bowser, Brown wrote a  
16 report regarding Plaintiff's conduct at the meeting in which she indicated that she felt  
17 Plaintiff's conduct was unprofessional, disrespectful, and not welcomed by her.

18 3.10 On or about December 5, 2018, without any other form of complaint from Ms.  
19 Brown, Defendant Bowser wrote an email to Defendant LWSD's Director of Human  
20 Resources Rosen regarding the November 28, 2018 interaction between Plaintiff and  
21 Ms. Brown.  
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1 3.11 On December 7, 2018, Ms. Brown wrote a clarifying statement in an email to  
2 Defendant Rosen indicating that although Plaintiff's conduct had made her  
3 uncomfortable, she had anticipated that her comments to Defendant Bowser would be  
4 kept confidential, that the issue would not escalate to the level it had, and that she had  
5 neither initiated any of the follow-up actions nor believed that the conduct merited  
6 further investigation.  
7

8 3.12 On or about December 8, 2018, Defendant Rosen prepared and delivered to  
9 Plaintiff a written reprimand directed at Plaintiff's conduct in his interaction with Ms.  
10 McNaughton.

11 3.13 On December 10, 2018, Defendant District held a second investigative  
12 meeting with Plaintiff, this time regarding the Brown interaction. In attendance at that  
13 meeting with Plaintiff were Ms. Silves, UniServ Representative; Defendant Bowser;  
14 and Defendant Rosen.  
15

16 3.14 Despite learning that a Caucasian male teacher at the October Equity meeting  
17 acknowledged that he also may have provided Ms. Brown a "side hug" on December  
18 13, 2018, Defendant Rosen prepared and provided to Plaintiff on December 18, 2018 a  
19 second written reprimand and letter of directive to Plaintiff regarding Plaintiff's  
20 interaction with Ms. Brown and expectations of Plaintiff for the future.  
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1 3.15 On January 24, 2019, Plaintiff, through his designated collective bargaining  
2 representative Peter Alav of LWEA, filed a formal union grievance regarding the  
3 discipline with respect to both the Brown and McNaughton interactions. This grievance  
4 was ultimately resolved only in April of that year.

5 3.16 On April 19, 2019, Defendant District mitigated Plaintiff's discipline and  
6 Plaintiff received final discipline regarding the McNaughton and Brown incidents as  
7 follows.  
8

- 9 1. Written Reprimand with directives for McNaughton incident; and,
- 10 2. Level 2 Written Warning with letter of directives for Brown incident.

11 Upon information and belief, Defendants did not examine any prior incidents of  
12 alleged inappropriate, unprofessional, or unwelcome conduct in making decisions  
13 regarding Plaintiff's discipline. On April 23, 2019, Plaintiff was advised, through  
14 correspondence, that representatives of the LWEA would take no further action on  
15 these disciplinary actions.  
16

17 3.17 On April 29, 2019, independent of LWEA, Plaintiff filed a grievance on the  
18 McNaughton and Brown revised discipline as his coaching role was not covered by the  
19 District's collective bargaining agreement with LWEA but was covered by the non-  
20 represented employee policy.

21 3.18 On April 30, 2019, Plaintiff was advised by Defendant Bowser that he was  
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1 prohibited from taking his Washington Teen Institute group (a student group Plaintiff  
2 had developed and advised for over thirty years) on its annual outing to Wild Waves  
3 amusement park while Caucasian band and orchestra advisors were authorized to  
4 engage in such trips with their students without scrutiny or interference from Principal  
5 Bowser.

6  
7 3.19 Defendant Bowser indicated that she was preventing Plaintiff from participating  
8 in the Wild Waves event to “protect” him .

9 3.20 On May 3, 2019, Defendant Fowler-Fong responded to Plaintiff’s new  
10 grievance indicating that Plaintiff could not grieve the revised discipline as Defendant  
11 District under that LWEA had the authority to negotiate and settle those disciplinary  
12 actions and the other policy was not applicable.

13 3.21 On May 3, 2019, Plaintiff attended a public meeting of Defendant District’s  
14 School Board to address his concerns but because the concerns involved personnel  
15 matters he was not permitted to do so.

16  
17 3.22 Plaintiff also sought to follow up in a private meeting with a District Board  
18 member under his understanding that the School Board was the final district-level  
19 decision maker for appeals under “... law, contract or established district procedures.”  
20 That meeting did not take place.

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COMPLAINT FOR DAMAGES AND  
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LAW OFFICE  
PATRICIA S. ROSE  
1455 NW Leary Way, Suite 400  
Seattle, Washington 98107  
TEL 206-622-8964  
patty@pattyroslaw.com

1 3.23 On or about June 19, 2019, Plaintiff requested, and had, an informal meeting  
2 with Defendant Holmen, then the District's Deputy Superintendent, to advise him of  
3 his concerns regarding discrimination, hostile work environment and the investigative  
4 methods used by Defendant Rosen in his situation.

5 3.24 On June 24, 2019, Plaintiff wrote and filed a formal internal discrimination  
6 complaint with Defendant District alleging disparate treatment compared with similarly  
7 situated Caucasian employees, including but not limited to implicit or unconscious race  
8 bias in Defendant District's conduct regarding him and disciplinary action taken  
9 against him.

10 3.25 On or about August 2, 2019, attorney Chris Burton was retained by Defendant  
11 District to respond to Plaintiff's race discrimination complaint.

12 3.26 Between approximately August 2, 2019 and September 12, 2019, Mr. Burton  
13 investigated Plaintiff's race discrimination complaint but failed to engage in any  
14 comparative analysis of similarly situated employees, including specifically Laura  
15 Reed and Doug Deskins, despite receipt of such evidence from Plaintiff and/or his  
16 LWEA representative.

17 3.27 On or about October 31, 2019, a student identified as "BT" made an allegation  
18 that Plaintiff made an unwelcome comment to her in gym class.

1 3.28 Without any inquiry to Plaintiff as to the accuracy of the student's  
2 representations, on November 1, 2019 Plaintiff was put on paid administrative leave  
3 and removed from his teaching and coaching duties for undisclosed reasons. He was  
4 also prohibited from being on Defendant's property or having contact with District  
5 personnel regarding the investigation.

6 3.29 Weeks later, on November 20, 2019, Plaintiff was advised through a UniServ  
7 representative that there was an allegation as to his "interaction with a student."  
8

9 3.30 While Plaintiff was on leave, on or about December 19, 2019, a student  
10 identified as "GO", alleged that Plaintiff engaged in a practice of giving piggyback  
11 rides to girls and had stated to BT that she was a "sexy white bitch," both of which  
12 were not verified by the subsequent investigation by Richard Kaiser.

13 3.31 At a date unknown, Defendant District or its counsel retained attorney Richard  
14 Kaiser to investigate the allegations made regarding Plaintiff's alleged interaction with  
15 BT.  
16

17 3.32 On January 6, 2020, Plaintiff was interviewed by Mr. Kaiser in the presence of  
18 UniServ Representative Kate Bishop and Defendant Fowler-Fung in which Plaintiff  
19 acknowledged making a comment to BT involving use of the phrase "BW."  
20

21 3.33 On or about January 24, 2020, Mr. Kaiser presented his written findings to the  
22 District's counsel regarding the BT incident.  
23  
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1 3.34 In correspondence dated February 18, 2020, Plaintiff was informed on February  
2 19, 2020 in writing for the first time that a fifteen day suspension was recommended  
3 for his interaction with BT.

4 3.35 On or about February 20, 2020, Plaintiff participated in a *Loudermill* hearing  
5 attended by Dale Cote, Defendant District's High School and Middle School Director;  
6 Defendant Bowser; Defendant Fowler-Fung; and Ms. Bishop, to determine whether  
7 discipline should be imposed on Plaintiff for the comments made to BT.  
8

9 3.36 On February 28, 2020, Plaintiff was informed that he would not able to attend a  
10 basketball game on District property, even though no discipline had been imposed on  
11 him.

12 3.37 On April 2, 2020, Plaintiff received a notice of final discipline indicating that he  
13 would be suspended without pay for fifteen days.  
14

15 3.38 On or about April 2, 2020, Defendant Bowser wrote and disseminated an email  
16 to Rose Hill staff reiterating that Plaintiff's "approved leave" would continue through  
17 the end of the school year and that Plaintiff would not be returning to teach at Rose Hill  
18 Middle School.

19 3.39 On April 2, 2020, Plaintiff was advised in writing of his involuntary transfer  
20 from Rose Hill Middle School, an action that can contractually only be imposed when  
21 the District can demonstrate a need "to protect the quality of the instructional program  
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1 and/or the welfare of the individual [teacher].” Transferring Plaintiff away from his  
2 teaching assignment of forty plus years was not in the welfare of Plaintiff nor was it  
3 necessary to protect the quality of the instructional program.

4 3.40 On April 12, 2020, Plaintiff learned that his proposed discipline would be  
5 converted from a Level One Written Warning (McNaughton incident) to a written  
6 warning, and the Level Two Discipline (Brown incident) converted to a non-  
7 disciplinary directive letter without reference to the prior incident that year.  
8

9 3.41 On May 14, 2020, Plaintiff, through counsel, filed a grievance regarding his  
10 transfer. In correspondence to Plaintiff’s counsel dated May 19, 2020, Defendant  
11 District, through its counsel, refused to process Plaintiff’s grievance by stating that he  
12 lacked standing to grieve without the LWEA.

13 3.42 On or about July 21, 2020, Plaintiff filed a Tort Claim with the District pursuant  
14 to RCW 4.92.  
15

16 3.43 Between May 19, 2020 and August 6, 2020, Plaintiff was not informed of his  
17 employment status or assignment with Defendant District until correspondence to his  
18 counsel indicated that he would be assigned to Timberline Middle School to teach  
19 seventh and eighth grade fitness classes, even with the knowledge that the school was  
20 overstaffed in its physical education department.  
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1 3.44 Beginning in the second season in academic year 2019-2021, and again in  
 2 2020-2021, despite his superior qualifications and experience, Plaintiff was not selected  
 3 to assist in any extracurricular activities with any students at Defendant District.

4 3.45 After completing the virtual school year in the Timberline assignment, and on-  
 5 site instruction from April 15, 2021 to June 16, 2021 without incident, Plaintiff was  
 6 informed in a letter on May 13, 2021 that he was again being involuntarily transferred,  
 7 this time to Eastlake High School. In a subsequent meeting on June 2, 2021 with  
 8 UniServ Representative Laura Lee Barron and Defendant District's Director of  
 9 Secondary Education Whitney Meissner, Dr. Meissner was unable to explain, or  
 10 indicated that she did not know, the justification for the transfer and referred Plaintiff to  
 11 Mr. Cote, Defendant District's High School and Middle School Director and the letter's  
 12 author.  
 13

14 3.46 On August 2, 2021, Defendant Holmen wrote Plaintiff a letter indicating that he  
 15 was being involuntarily transferred to Eastlake High School.  
 16

#### 17 **IV. CAUSE OF ACTION NOS. 1 AND 2: DEFAMATION** 18 **AND FALSE-LIGHT INVASION OF PRIVACY**

19 4.1 Paragraphs 1.1 to 3.46 are realleged as if fully set forth herein.

20 4.2 On or about November 8, 2019, Defendant Bowser sent an email to staff and  
 21 parents noting that Plaintiff was on "an approved leave" and later communicated that  
 22 Plaintiff would not be returning to Rose Hill, each without further explanation.  
 23

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LAW OFFICE  
 PATRICIA S. ROSE  
 1455 NW Leary Way, Suite 400  
 Seattle, Washington 98107  
 TEL 206-622-8964  
 patty@pattyroselaw.com

1 Because of the lack of clarifying communication, Defendant District implicitly  
2 authorized and permitted the publication of false and damaging innuendo that was  
3 circulated among parents, students, faculty, and administrative staff of Defendant  
4 District regarding Plaintiff's unusual and extended absence from the school, including  
5 false allegations that he had been discharged, that he had touched female students or  
6 engaged in sexual or other forms of misconduct.  
7

8 4.3 Prior to this action, Plaintiff enjoyed a positive reputation among each of those  
9 groups and the greater LWSD community.

10 4.4 On or about April 2, 2020, Defendant Bowser issued an email indicating that  
11 Plaintiff's leave would be extended through the balance of the school year and that he  
12 would not be returning to Rose Hill.

13 4.5 In implementing an involuntary transfer of Plaintiff to Timberline Middle  
14 School after forty three years at Rose Hill, agents of Defendant District have repeatedly  
15 published false statements that the transfer was necessary and required for Plaintiff's  
16 welfare and/or educational needs at Rose Hill.  
17

18 4.6 Defendant Bowser's statements and those of other individual Defendants in  
19 communications regarding Plaintiff during calendar years 2018 through the present that  
20 were published to the greater Rose Hill community were not qualifiedly privileged and  
21 did not exceed any such conditional privilege afforded those individuals as they were  
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1 made with reckless disregard for the truth or falsity of the representations made therein.

2 4.7 Even if any statements made by Defendant District were partially true,  
3 publication of statements regarding Plaintiff placed him a false light or otherwise  
4 invaded his reasonable expectations of privacy in decision-making regarding him.

5 **V. CAUSE OF ACTION NO. 3: RACE AND/OR AGE**  
6 **DISCRIMINATION IN VIOLATION OF STATE LAW**

7 5.1 Paragraphs 1.1 to 4.7 are realleged as if fully set forth herein.

8 5.2 In proposing and taking personnel, corrective, and/or disciplinary actions  
9 against Plaintiff due to his alleged conduct, Plaintiff was treated disparately to similarly  
10 situated younger and non-Black teachers accused of similar or more egregious conduct  
11 during the period from 2009 to the present.

12 5.3 Defendant District's policy and practice regarding investigation in response  
13 to alleged misconduct or inappropriate behavior by certificated staff in interactions  
14 with peers or students did not typically lead to involuntary transfer, proposed fifteen  
15 day suspension, prohibition of the accused teacher from attendance at District events,  
16 or actions consistent with those taken against Plaintiff from 2018 to the present.

17 5.4 Defendant Bowser treated Plaintiff differently than other, similarly situated  
18 younger and Caucasian employees accused of inappropriate conduct during the three-  
19 year period before the allegations leveled at Plaintiff.  
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COMPLAINT FOR DAMAGES AND  
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LAW OFFICE  
PATRICIA S. ROSE  
1455 NW Leary Way, Suite 400  
Seattle, Washington 98107  
TEL 206-622-8964  
patty@pattyroselaw.com



1 5.5 Defendant District's policy and practice did not typically involve use of  
2 external investigators to ascertain facts prior to evaluating proposed discipline.

3 5.6 Defendants' disparate treatment of Plaintiff and other conduct directed at him,  
4 including the investigator(s)' and review officials' failure to conduct any comparative  
5 analysis of the similarly situated employees accused of unprofessional and/or  
6 inappropriate conduct affected the terms and conditions of Plaintiff's employment and  
7 created a hostile work environment due to his race and/or age.

8 5.7 Defendants' adverse actions taken against Plaintiff were substantially  
9 motivated by his race and/or age in violation of RCW 49.60.030, RCW 49.60.180 and  
10 RCW 49.44.090. Defendants' conduct additionally violated RCW 28A.642.010.

11 **VI. CAUSE OF ACTION NO. 4: UNFAIR LABOR PRACTICES AND**  
12 **DISCRIMINATION DUE TO UNION ACTIVITY**

13 6.1 Paragraphs 1.1 to 5.6 are realleged as if fully set forth herein.

14 6.2 From September 1991 to September 2019, Plaintiff served as a Building  
15 Representative for the LWEA and was widely viewed as a zealous advocate for the  
16 rights of teachers and other non-certificated staff and students.

17 6.3 In taking administrative, disciplinary, and alleged "corrective" action against  
18 Plaintiff during the 2018-2019 and 2019-2020 school years, Defendant District, its  
19 managing agents, and the individual agents, all treated Plaintiff disparately than  
20 similarly situated certificated teachers and/or other staff and coaches accused of  
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unprofessional conduct, sexual misconduct, or more egregious conduct than that alleged to be the basis of the Defendant District's decision-making.

6.4 Defendants' actions in initiating disciplinary action and involuntarily transferring Plaintiff from his position at Rose Hill Middle School and then from Evergreen Middle School were substantially motivated by his prior history and role as a Building Representative for LWEA and for advocating for students and other faculty members regarding compliance with Defendant's policies based in federal and state law and in Defendant District and LWEAs' union contracts and memoranda of understanding.

6.5 Defendants' action violated RCW 49.32.020 and RCW 41.59 and RCW 41.58.

#### **VII. CAUSE OF ACTION NO. 5: RETALIATION IN VIOLATION OF RCW 49.60.210**

7.1 Paragraphs 1.1 to 6.5 are realleged as if fully set forth herein.

7.2 Plaintiff's internal complaint and opposition to conduct that he reasonably perceived to be race discrimination is protected conduct under RCW 49.60.210.

7.3 Defendants' action in transferring Plaintiff and otherwise preventing him from obtaining coaching and other opportunities was substantially motivated by Plaintiff's protected conduct.

7.4 Defendants' adverse treatment of Plaintiff violates RCW 49.60.210.

#### **VIII. CAUSE OF ACTION NO. 6 : BREACH OF PROMISES**

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LAW OFFICE  
PATRICIA S. ROSE  
1455 NW Leary Way, Suite 400  
Seattle, Washington 98107  
TEL 206-622-8964  
patty@pattyroselaw.com

**CONTAINED IN COLLECTIVE BARGAINING AGREEMENT  
AND DISTRICT POLICY**

8.1 Paragraphs 1.1 to 7.4 are realleged as if fully set forth herein.

8.2 Plaintiff is a third party beneficiary of the contract(s) in place between the Defendant District and LWEA during all periods relevant to this complaint.

8.3 In proposing and implementing various actions against Plaintiff described in detail above, including removal of his coaching responsibilities, his teaching assignment at Rose Hill, the disciplinary actions contained in his personnel file, and the involuntary transfer of his position on two occasions, Defendant District and the individual defendants jointly and severally breached the terms of the collective bargaining agreement and any memoranda of understanding between the Union and District.

8.4 Specifically, Defendant District breached of its collective bargaining agreement with the LWEA and policies of the Defendant District identified in Appendix A in its actions directed at Plaintiff.

**IX. CAUSE OF ACTION NOS. 7 AND 8: NEGLIGENT SUPERVISION AND  
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

9.1 Paragraphs 1.1 to 8.4 are realleged as if fully stated herein.

9.2 Defendant District owed Plaintiff a duty of care in selecting, training, and supervising its human resources and other administrative staff to ensure that they

1 properly administer the terms of its collective bargaining agreement and enforce its  
2 personnel and other policies and procedures in an equitable and fair manner.

3 9.3 Defendant District breached this duty in its actions and omissions to act towards  
4 Plaintiff, resulting in emotional distress and other damages.

5 **X. CAUSE OF ACTION NOS. 9 AND 10: 42 U.S.C. §1983 - DEPRIVATION**  
6 **OF PLAINTIFF'S CONSTITUTIONAL RIGHT TO DUE PROCESS UNDER**  
7 **THE 14TH AMENDMENT AND ARTICLE 1, SECTION 3 OF THE**  
8 **WASHINGTON STATE CONSTITUTION**

9 10.1 Paragraphs 1.1 to 9.3 are realleged as if fully set forth herein.

10 10.2 Defendants' actions and inactions as alleged herein deprived Plaintiff of his  
11 property interest in his continued employment as a coach in his career position with the  
12 Defendant District.

13 10.3 The named Defendants and as yet unknown agents of Defendant District are  
14 state actors whose actions under color of state law deprived Plaintiff of his  
15 constitutionally protected right to due process through refusal of his access to the  
16 grievance procedure available to his fellow members of the District's bargaining unit  
17 with the LWEA.

18 10.4 Defendants' actions in publicizing stigmatizing and untruthful allegations  
19 regarding Plaintiff's conduct have deprived Plaintiff of his liberty interest in reputation  
20 and pursuit of his chosen occupation in violation of his rights under the 14th  
21 Amendment to the United States Constitution and Article 1 §3 of the Washington State  
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LAW OFFICE  
PATRICIA S. ROSE  
1455 NW Leary Way, Suite 400  
Seattle, Washington 98107  
TEL 206-622-8964  
patty@pattyroselaw.com

1 Constitution, as well as his rights to equal protection and due process of law contained  
2 in those Amendments and Articles respectively.

3 10.5 Defendant District's actions and inactions as delineated above were conducted  
4 by policy makers of Defendant District.

5 10.6 The individual Defendants' actions were in violation of Plaintiff's substantive  
6 rights under state law and in violation of the 14th Amendment to the United States  
7 Constitution and its guarantees of equal protection and due process of law.

8 10.7 These actions as well as the arbitrary and capricious nature of other actions of  
9 the individual Defendants deprived Plaintiff of his right to due process protected by the  
10 14th Amendment to the United States Constitution and Article 1 §3 of the Washington  
11 State Constitution.  
12

13 10.8 The individual Defendants acted in their individual capacity in recklessly  
14 depriving Plaintiff his of his civil rights in violation of 42 U.S.C. §1983.  
15

16 10.9 The individual defendants are not entitled to qualified immunity and are liable  
17 to Plaintiff in their individual capacities for punitive damages in an amount to be  
18 proved at trial.

19 **XI. CAUSE OF ACTION NO. 11: FAILURE TO**  
20 **PRODUCE REQUESTED PUBLIC RECORDS**

21 11.1 Plaintiff realleges paragraphs 1.1 to 10.9 as if fully set forth herein.  
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PATRICIA S. ROSE  
1455 NW Leary Way, Suite 400  
Seattle, Washington 98107  
TEL 206-622-8964  
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1 11.2 Plaintiff retained the undersigned counsel to represent him with regard to  
2 potential claims against the District.

3 11.3 On June 3, 2020, attorney Patricia S. Rose submitted a public records request  
4 to Defendant District requesting information relevant to Plaintiff's complaints.

5 11.4 On December 9, 2020, Plaintiff's counsel reiterated her request, indicating  
6 deficiencies in the original responses.

7 11.5 On or about March 3, 2021, Defendant District's public information officer  
8 indicated that Defendant District did not receive the December 9, 2020 request.

9 11.6 On April 24, 2021, Plaintiff's counsel submitted a complete set of documents  
10 indicating the prior deficiencies and identifying some new areas stemming from  
11 Plaintiff's transfer including a written authorization from Plaintiff for release of any  
12 otherwise confidential documents potentially exempt from public disclosure laws.

13 11.7 On April 28, 2021, Defendant District, in correspondence to counsel,  
14 indicated it would need time to respond to Plaintiff's April 24, 2021 request by July 31,  
15 2021.

16 11.8 As of this writing, Defendant District has not supplemented or provided any  
17 documents it promised.

## 18 **XII. DAMAGES**

19 12.1 Paragraphs 1.1 to.11.8 are realleged as if fully set forth herein.  
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COMPLAINT FOR DAMAGES AND  
OTHER RELIEF - 22

LAW OFFICE  
PATRICIA S. ROSE  
1455 NW Leary Way, Suite 400  
Seattle, Washington 98107  
TEL 206-622-8964  
patty@pattyroslaw.com

1 12.2 As a proximate cause of the conduct of each Defendant, Plaintiff has suffered  
2 and continues to suffer economic damages in the form of past and future earnings,  
3 benefits of employment, coaching opportunities, and other pecuniary advantages in an  
4 amount to be proved at trial.

5 12.3 As a direct and proximate cause of the conduct of each Defendant, Plaintiff has  
6 suffered damages for intangible losses including humiliation, embarrassment,  
7 emotional distress, loss of ability to enjoy life, loss of reputation, and other intangible  
8 harm in an amount to be proved at trial.

10 12.4 As a proximate cause of the conduct of each Defendant, Plaintiff has suffered  
11 special damages for medical treatment and other out of pocket expenses and actual  
12 losses in an amount to be proved at trial.

13 12.5 Defendants are jointly and severally liable for the actual economic and non-  
14 economic and special damages proximately caused by each Defendant's conduct  
15 towards Plaintiff.

17 12.6 The individual Defendants are liable to Plaintiff for punitive damages  
18 proximately caused by their violation of Plaintiff's constitutional rights.

19 **XIII. PRAYER FOR RELIEF**

20 WHEREFORE, Plaintiff respectfully requests the following relief:  
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COMPLAINT FOR DAMAGES AND  
OTHER RELIEF - 23

LAW OFFICE  
PATRICIA S. ROSE  
1455 NW Leary Way, Suite 400  
Seattle, Washington 98107  
TEL 206-622-8964  
patty@pattyroslaw.com

1           1.       Compensatory damages for loss of past and future earnings, pecuniary  
2 advantages of employment, and other economic damages in an amount to be proved at  
3 trial;

4           2.       A supplemental award to compensate for any adverse income tax  
5 consequences of any damages or award of attorneys' fees;

6           3.       Compensatory damages for intangible losses, emotional distress,  
7 humiliation, embarrassment, loss of ability to enjoy life, and loss of reputation;

8           4.       Reimbursement for all medical and other out pocket expenses, and  
9 special damages incurred by Plaintiff;

10          5.       Punitive damages from the individual Defendants' violation of  
11 Plaintiff's constitutional rights as authorized under 42 USC §1983;

12          6.       Reasonable attorney's fees, litigation costs including expert witness  
13 fees, and other relief as authorized by RCW 49.60.030 and 42 USC §1988;

14          7.       Pre- and post-judgment interest;

15          8.       Injunctive and/or other equitable relief necessary to place Plaintiff at  
16 Rose Hill Middle School with teaching assignments and other responsibilities he had  
17 prior to involuntary transfers;

18          9.       Restoration of all coaching stipends and opportunities;

19          10.      Imposition of statutory penalties for Defendant District's failure to  
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COMPLAINT FOR DAMAGES AND  
OTHER RELIEF - 24

LAW OFFICE  
PATRICIA S. ROSE  
1455 NW Leary Way, Suite 400  
Seattle, Washington 98107  
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patty@pattyroselaw.com



1 timely provide responses to Plaintiff's public records requests; and,

2 11. Any other relief the Court deems just and appropriate.

3 Respectfully submitted this 9<sup>th</sup> day of August, 2021.

4  
5 **LAW OFFICE OF PATRICIA S. ROSE**

6 *Patricia S. Rose*

7 \_\_\_\_\_  
8 Patricia S. Rose, WSBA #19046  
9 Attorney for Plaintiff  
10 1455 NW Leary Way, Suite 400  
11 Seattle, Washington 98107  
12 (206) 622-8964 (voice)  
13 (206) 694-2695 (fax)  
14 [patty@pattyroslaw.com](mailto:patty@pattyroslaw.com)

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**COMPLAINT FOR DAMAGES AND  
OTHER RELIEF - 25**

LAW OFFICE  
**PATRICIA S. ROSE**  
1455 NW Leary Way, Suite 400  
Seattle, Washington 98107  
TEL 206-622-8964  
[patty@pattyroslaw.com](mailto:patty@pattyroslaw.com)

**VERIFICATION OF PLAINTIFF**

I, RODNEY S. THORNLEY, am the Plaintiff in the above matter. I have reviewed the above-captioned complaint for damages and other relief and the factual recital made therein. I do certify under penalty of perjury that the statements and contentions therein are true and correct to the best of my knowledge and belief.

Dated at Seattle, Washington this \_\_\_\_\_ day of August, 2021.

\_\_\_\_\_  
RODNEY S. THORNLEY

COMPLAINT FOR DAMAGES AND  
OTHER RELIEF - 26

LAW OFFICE  
PATRICIA S. ROSE  
1455 NW Leary Way, Suite 400  
Seattle, Washington 98107  
TEL 206-622-8964  
patty@pattyroselaw.com